

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN EXPRESS TRAVEL RELATED
SERVICES COMPANY, INC.,

Plaintiff,

- against -

HEALTHEXTRAS, INC.,

Defendant.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

O R D E R

07 Civ. 6986 (NRB)

WHEREAS at a hearing on August 22, 2007, the above-captioned parties entered into a stipulation (1) for the production of data by HealthExtras, Inc. ("HealthExtras") to American Express Travel Related Services Company, Inc. ("American Express"), and (2) to mediate the remainder of their disputes; and

WHEREAS at that hearing this Court stated that this case "will be dismissed 15 days after the production of the data is made unless American Express informs me that there is a problem with the data in a fashion that constitutes a violation of the stipulation"; and

WHEREAS on September 28, 2007 American Express informed this Court that it received the data and had "not uncovered any such problem," and further acknowledged that "Your Honor indicated that she will dismiss this case fifteen days after the production of data by [HealthExtras] unless American Express raised a

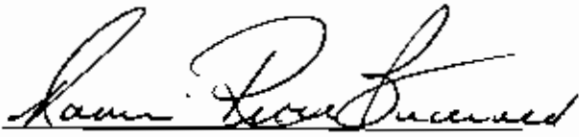
problem with the data that would constitute a violation of the Stipulation"; and

WHEREAS on September 28, 2007, the Court ordered dismissal of this case, but erroneously and contrary to its earlier ruling included in its order a provision allowing for restoration of the matter within 30 days upon application; and

WHEREAS more than 15 days have passed after the production of the data to American Express, without American Express informing the Court that there was any problem with the data; it is hereby

ORDERED that the September 28, 2007 Order is modified to eliminate the 30 day restoration provision, and accordingly, the case remains closed.

Dated: New York, New York
October 26, 2007


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Copies of the foregoing Order have been mailed on this date to the following:

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